



Division of Mining, Land & Water

Alaska Department of Natural Resources

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Water Right Administrative Service Fee

Why an annual administrative service fee?

The annual administrative service fee applies to all permit and certificate (including temporary water use permit) holders except state agencies, those domestic water users who use less than 1,500 gallons per day, those non-domestic water users who use 500 gallons per day or less, and instream flow certificate holders where the reservation is for public benefit. The annual administrative service fee will help pay for the following administrative services:

- Update and maintain water right records in a state-wide computer system for use as a management tool and public record source. This system contains data on customers, water right status, water source (well depth or water body name), type of water use, water quantity, period of water use, water right priority date, and legal description (meridian, township, range, section, quarter sections, latitude and longitude, subdivision name or survey number, tract, block, and lot). Currently, the water right database has over 23,000 records.
- Update and maintain water rights on the state's status plat system for use by the public.
- Respond to complaints from the public, state, federal and local government agencies regarding water use and misuse.
- Administratively handle complaints and appeals regarding the protection of prior water rights.
- Track permits and certificates; collect specific data, such as water use records, stream gage data, water level records, well logs, as-built plans, and specifications; and update databases for public and private use.
- Assist the Department of Law with appeals to the Superior Court on water resource management issues and water rights.
- Conduct coastal zone management reviews for consistency determinations, to assure that the appropriation and use of water is consistent with the Alaska Coastal Management Program.
- Pre-project review and assistance prior to the submittal of a water right application (examples: AJ Gold Mine, Fort Knox Gold Mine, Silver Lake Hydroelectric, Tazimina River Hydroelectric, Viewpoint Ventures Subdivision, and Boulder Springs Subdivision). Work with the developer to ensure that water rights holders are not harmed by the proposed development.
- Participate in site-specific water resource planning and review (examples: state area and management plans; federal land management plans; wildlife refuge plans; recreation plans; and groundwater task forces).
- Conduct or assist in hydrologic and water use data collection for specific areas not related to a water right request but to an area

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of water management concern (examples: Anchorage Hillside, Mat-Su Borough, Eagle River Valley, Chena Ridge, Auk Nu/Indian Cove, Nikiski, and Anchor Point).

The fee has become necessary as the state legislature has directed the department to find other sources of revenues to replace general funds. Program receipts are collected from the individual beneficiary of a program, and the funds collected are used to administer that program for the benefit of the water rights holders and the general public.

Why a \$50 fee for the work listed above?

The revenues generated will offset budget cuts and allow us to improve the administration and management of Alaska's water resources. It has been determined that the collection of a fee less than \$50 is not economical due to the cost of sending and receiving a bill. It is also a fact that, of the permits and certificates subject to this fee, not all of them will receive \$50 worth of work each and every year. Some of the files will require only minimal work. The fee helps pay for the administrative, management, and technical assistance by which the water right system supports the economy of Alaska and its development.

Why the exemptions to the fee?

There is no benefit to the state to impose this fee on other state agencies, nor is it in the state's best interest to impose the fee on an individual or group that has reserved water for instream flows to protect fish and wildlife and public recreation opportunities.

The exemption to the fee for domestic water use of less than 1,500 gpd is based on the fact that time spent on administrative work associated with domestic water use of less than 1,500 gpd is, on the average, a lot less than on permits and certificates issued for larger domestic uses and any non-domestic water use. Domestic water use is very stable water use – the type of water use and the location of water use rarely changes, and the source of water is normally uncontroversial due to the quantity of water required. The division purposely structured this exemption for domestic water uses such as lawn and garden, domestic livestock, greenhouses, and other water-related household amenities. The water well log data obtained from the many domestic water users is a valuable source of hydrologic information that is incorporated into a statewide database shared by state, federal, and municipal agencies, and used by the public and private sectors. The cost of this type of data collected, if it were not collected through the water right application process, would cost much more than the monies collected through an administrative service fee.

In short, the Department of Natural Resources has structured this fee to be fair to all water right appropriators of the state and has considered the economics of collecting a fee, with the above exemptions to the fee.

Where can I get more information?

More information is available in the Department of Natural Resources' fact sheets on Water Rights in Alaska, Dam Safety in Alaska, Reserving Water for Instream Use, Federal Reserved Water Rights, Glacier Ice

Harvesting in Alaska, Alaska Water Resources Board, and Alaska Hydrologic Survey.

Further information and application forms may be obtained from the following offices, or download Forms and Fact Sheets in Adobe Acrobat (pdf) format.

**Department of Natural Resources
Public Information Center**

550 West 7th Avenue, Suite 1250
Anchorage, AK 99501-3557
Phone: 907-269-8400
Fax: 907-269-8901

Public Information Center
3700 Airport Way
Fairbanks, AK 99709
Phone: 907-451-2705
Fax: 907-451-2706

**Division of Mining, Land & Water
Water Resources Section**

550 West 7th Avenue, Suite 1020
Anchorage, AK 99501-3577
Phone: 907-269-8503
Fax: 907-269-8947

Water Resources Section
400 Willoughby Ave., 4th Floor
Juneau, AK 99801
Phone: 907-465-3400
Fax: 907-586-2954

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Water Rights in Alaska

What are water rights?

A water right is a legal right to use surface or ground water under the Alaska Water Use Act (AS 46.15). A water right allows a specific amount of water from a specific water source to be diverted, impounded, or withdrawn for a specific use. When a water right is granted, it becomes appurtenant to the land where the water is being used for as long as the water is used. If the land is sold, the water right transfers with the land to the new owner, unless the Department of Natural Resources (DNR) approves its separation from the land. In Alaska, because water wherever it naturally occurs is a common property resource, landowners do not have automatic rights to ground water or surface water. For example, if a farmer has a creek running through his property, he will need a water right to protect his use. Using water without a permit or certificate does not give the user a legal right to use the water.

How do I obtain a water right?

To obtain water rights in Alaska, you should submit an application for water rights to the DNR office in the area of the water use. After your application is processed, you will be issued a permit to drill a well or divert the water. Once you have established the full amount of water that you use beneficially and have complied with all of the permit conditions, a certificate of appropriation will be issued. This is the legal document that establishes water rights.

Download a Water Right Application Form **in Adobe Acrobat format (pdf)**.

What costs are involved?

An application for water rights must be accompanied by the filing fee of:

- \$50 for the use of 5,000 gallons per day (gpd) or less;
- \$100 for the use of more than 5,000 gpd but less than 30,000 gpd;
- \$200 for the use of 30,000 gpd or more but less than 100,000 gpd;
- \$300 for the use of 100,000 gpd or more but less than 500,000 gpd;
- \$500 for the use of 500,000 gpd or more but less than 1,000,000 gpd;
- \$1,000 for the use of 1,000,000 gpd or more except \$1,500 for the use of 1,000,000 gpd or more outside the hydrologic unit from which it was removed (hydrologic units are based on the most current U.S.G.S. Hydrologic Unit Map of Alaska).

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To ensure that the public is notified of proposed water uses, you may be required to pay the cost of a legal advertisement in at least one issue of a local newspaper in the area of the proposed water use. Public notice is required if the appropriation is over 5,000 gallons per day; if it comes from an anadromous fish stream; or if the water source has a high level of competition among water users. In addition, permit and certificate (including temporary water use permit) holders are subject to an annual \$50 administrative service fee for any non-domestic use of more than 500 gpd. Domestic water users of less than 1,500 gallons per day are exempt from the fee.

Download a Water Right Application Form **in Adobe Acrobat format (pdf).**

Why should I apply for water rights?

1. If you have water rights, you have legal standing to assert those rights against conflicting water users who do not have water rights.
2. A person with water rights has priority to use water over persons who later file for water rights from the same source.
3. Anyone who diverts, impounds, or withdraws a significant amount of water for use, without a permit or certificate, is guilty of a misdemeanor (AS 46.15.180). A significant amount of water is defined by 11 AAC 93.970(14) as:
 - The use of more than 5,000 gallons of water in a single day from a single water source; or
 - The regular daily or recurring seasonal use of more than 500 gallons of water per day for 10 days or more per year from a single water source; or
 - The non-consumptive use of more than 30,000 gallons of water per day (0.05 cubic feet per second) from a single water source; or,
 - Any water use that might adversely affect the water rights of other appropriators or the public interest.
4. By filing for water rights, you provide valuable information about water use and water availability in Alaska. Water right records are updated and maintained in a state-wide computer system. This system contains data on customers, water right status, water source (well depth or water body name), type of water use, water quantity, period of water use, water right priority date, and legal description (meridian, township, range, section, quarter sections, latitude and longitude, subdivision name or survey number, tract, block, and lot). Currently, the water right database has over 23,000 records. This information allows state water managers to estimate present uses of water, determine how much water is available from streams and aquifers in the state, protect established water right holders, prevent over-appropriation of water sources, and manage the state's water resources.

Download a Water Right Application Form **in Adobe Acrobat format (pdf).**

What other water resources authorizations are available from the Department of Natural Resources?

- Dam Safety: A certificate of approval is required for constructing or

modifying a dam that impounds 50 acre-feet of water and is a least 10 feet high, or is a least 20 feet high, or poses a threat to life and property. An application form and the fee prescribed by 11 AAC 005.10 should be filed with the Department of Natural Resources.

- **Instream Flow:** A certificate is required for maintaining a specific flow in a portion of stream or water level in a lake. An instream flow reservation can be made to protect fish and wildlife habitat, migration, and propagation; recreation and park purposes; navigation and transportation purposes; and sanitary and water quality purposes. An application form and the fee prescribed by 11 AAC 005.10 should be filed with the Department of Natural Resources. **Download an Application for a Reservation of Water Form in Adobe Acrobat format (pdf).**

How do I obtain authorization for short-term water use (temporary water use permit)?

A temporary water use permit may be needed if the amount of water to be used is a significant amount, the use continues for less than five consecutive years, and the water to be used is not already appropriated. This permit does not establish a water right but will avoid conflicts with fisheries and existing water right holders. The application fee for a temporary water use permit is the same as for a water right. **Download a Temporary Water Use Application Form in Adobe Acrobat format (pdf).**

What is the Water Maps and Data application?

This mapping and reporting program allows users access to active Water Right and Temporary Water User Authorization spatial and tabular data. Go to the Water Maps and Data application

Where can I get more information?

More information is available in the Department of Natural Resources' fact sheets on Water Rights in Alaska, Administrative Service Fee, Dam Safety in Alaska, Reserving Water for Instream Use, Federal Reserved Water Rights, Glacier Ice Harvesting in Alaska, Alaska Water Resources Board, and Alaska Hydrologic Survey. Further information and application forms may be obtained from the following offices, or download Forms and Fact Sheets in Adobe Acrobat (pdf) format.

Department of Natural Resources
Public Information Center
550 West 7th Avenue, Suite 1250
Anchorage, AK 99501-3557
Phone: 907-269-8400
Fax: 907-269-8901

Public Information Center
3700 Airport Way
Fairbanks, AK 99709
Phone: 907-451-2705
Fax: 907-451-2706

Division of Mining, Land & Water
Water Resources Section
550 West 7th Avenue, Suite 1020
Anchorage, AK 99501-3577
Phone: 907-269-8503

Fax: 907-269-8947

Water Resources Section
400 Willoughby Ave., 4th Floor
Juneau, AK 99801
Phone: 907-465-3400
Fax: 907-586-2954

Other Related Web Sites:

- Alaska Department of Fish and Game
- Alaska Department of Environmental Conservation

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